

E-Filed 7/8/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SALVADOR L. NIEBLAS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner, Social
Security Administration,

Defendant.

Case Number C 08-2865 JF (PVT)

ORDER DENYING APPLICATION
TO PROCEED *IN FORMA PAUPERIS*

[Doc. No. 2]

Pursuant to 28 U.S.C. § 1915, a district court may authorize the commencement of a civil action *in forma pauperis* if the court is satisfied that the would-be plaintiff cannot pay the filing fee necessary to pursue the action. 28 U.S.C. § 1915(a)(1). Based upon Plaintiff's application in this case, it appears that Plaintiff and his wife together gross almost \$70,000 per year and own a \$600,000 home with a very small mortgage. It thus appears that Plaintiff has the ability to pay the filing fee in this action.

1 Plaintiff's application to proceed *in forma pauperis* therefore is DENIED.

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6 DATED: 7/8/08

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9 JEREMY FOGEL
10 United States District Judge
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1 Order served on:

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